

ENTERED

August 21, 2018

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

AWARDS DEPOT, LLC,

§

Plaintiff,

§

v.

§ CIVIL ACTION NO. H-18-1838

TROPHY DEPOT, INC.,

§

Defendant.

ORDER

On June 4, 2018, Awards Depot sued Trophy Depot seeking a declaratory judgment that Trophy Depot materially breached a prior settlement agreement between the parties. (Docket Entry No. 1). On July 30, Trophy Depot moved to dismiss and to transfer venue. (Docket Entry Nos. 8, 11). On August 16, Awards Depot filed its first amended complaint. (Docket Entry No. 15). Four days later, Awards Depot responded to the motion to dismiss and the motion to transfer venue. (Docket Entry Nos. 16, 17). That same day, Trophy Depot moved to strike Awards Depot's response to the motion to dismiss, arguing that the amended complaint made the motion to dismiss moot, and required a new responsive pleading. (Docket Entry No. 18).

The motion to strike, (Docket Entry No. 18), is granted. The motion to dismiss, (Docket Entry No. 8), is denied as moot, without prejudice and with leave to reurge based on the amended complaint.

SIGNED on August 21, 2018, at Houston, Texas.



Lee H. Rosenthal
Chief United States District Judge